

1  
2  
3  
4                   UNITED STATES DISTRICT COURT  
5                   WESTERN DISTRICT OF WASHINGTON  
6                   AT SEATTLE

7 DANIEL GARNICA-MELGOZA,  
8  
9 v.  
10                   Plaintiff,

11 LUCY BURKE, et al.,  
12  
13                   Defendants.

Case No. 2:21-cv-01544-RAJ-TLF

ORDER DISMISSING PLAINTIFF'S  
COMPLAINT

14         The Court, having reviewed the Report and Recommendation of Judge Theresa L. Fricke,  
15         United States Magistrate Judge, objections to the report and recommendation, if any, and the  
16         remaining record, does hereby find and ORDER:

- 17         (1)         The Court adopts the Report and Recommendation;  
18         (2)         Plaintiff's complaint is DISMISSED without prejudice for failure to comply with a  
19                   court order or to prosecute this case. This dismissal shall count as a "strike"  
20                   pursuant to 28 U.S.C. § 1915(g); and  
21         (3)         Plaintiff's motion to proceed *in forma pauperis* (Dkt. 3) is DENIED as moot.

22         Dated this the 4<sup>th</sup> day of May, 2022.

23  
24  
25  


The Honorable Richard A. Jones  
United States District Judge